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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,655	11/28/2000	Dennis M. Adderton	1267.007	7710

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EXAMINER

NOORI, MAX H

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,655

Applicant(s)

ADDERTON ET AL.

Examiner

Max Noori

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-23, 29-39 and 45-70 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 40-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 30-39 and 45-68 is/are allowed.
- 6) ☐ Claim(s) 11-23, 29, 69 and 70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election Acknowledgment

1. Acknowledgment is made of the election of group III claims 11-23, 29-39 and 45-70, without traverse, the non-elected claims, i.e., claims 1-10, and 40-44 are withdrawn from the consideration. The non-elected claims should be canceled by the Application during the prosecution of this application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-16, 69-70 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 95/01556 (hereafter “556”).

Regarding claims 11, “556” discloses a sensor assembly with features of the claimed invention including a pair of first strain sensors disposed on the first faces of a flexible pyramid shape body deforming upon the application of a force and generate corresponding output signal (see the abstract and figure 1).

Regarding claims 12-13, and 23, “556” shows the provision of second pair s of strain gauges on second face for outputting related signal indicative of an applied force in other direction.

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Regarding claim 69, "556" also shoes the use of related circuit board (see, for example figures 2 and 3).

Regarding claim 70, the strain sensors are resistive strain sensors.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-22, and 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over "556".

Regarding claims 14-22, "556" apparently only recite (in English Abstract) the use of strain gauge, and does not elaborate on the test body. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify "556" to use any test body capable of bending and twisting (see the abstract) and to use any preferred and related sensor material with piezo effect that responds to an applied force such as any piezoelectric means. Because when all the elements of the claim are presented in a prior art the mere use of a specific test body or a specific sensor fails to provide for an unobvious advantage or a patentable distinction over other related arrangements. This is generally suggested by a desired intended use or convenience.

Regarding claim 29 the sensor assembly can be used in any related application.

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5. Claims 30-39, 45-68 are allowed over the prior art of the record, specifically regarding claim 30, for the process of adjusting or placing the sensor in an uncured elastomer state

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Max H. Noori whose telephone number is (703) 308-5248. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956. The fax number for this group is (703) 308-7382.

MHN

Thursday, January 15, 2004



MAX NOORI
PRIMARY EXAMINER